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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/816,030

04/01/2004

Brian E. Huff

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EXAMINER

HUNTER, QUINN T

ART UNIT

PAPER NUMBER

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/816,030	<b>Applicant(s)</b> HUFF, BRIAN E.	
	<b>Examiner</b> QUINN HUNTER	<b>Art Unit</b> 4147	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 4/1/2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>07/30/04</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement (IDS) submitted on 4/1/2004 is being considered by the examiner.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 9, 13, 14, 18, 20, 22, 23, 31, 33, 35, and 36 are rejected under 35 U.S.C. 102(b) as being anticipated by Breisch (US 2,101,571).
4. In re claim 1, Breisch discloses an equipment housing comprising:
  - a back box (10, Fig 1) having opposite side walls and top and bottom walls, said opposing side walls and said top and bottom walls defining a frontal opening
  - a front enclosure including (11, Fig 1) a front panel, said front panel having a first horizontal axis and a vertical axis passing through a plane defined by said front panel, said front enclosure being pivotably coupled to said back box
  - at least one generally rectangular frontal portion (12, Fig 1) intersecting said front panel along a line generally parallel to said horizontal axis, said frontal portion intersecting said front panel at a predetermined angle in a first frontal portion position, said frontal portion having an upper edge spaced from said

front panel by a first distance at said first frontal portion position to form an opening between said upper edge and said front panel

5. In re claim 9, Breisch discloses the front enclosure pivotally connect to the back box with a hinge (27, Fig 1).

6. In re claim 13, Breisch discloses an electronics equipment rack (37, Fig 1 and 38, Fig 4) mounted behind said front panel

7. In re claim 14, Breisch discloses an electronics equipment rack (37, Fig 1 and 38 Fig 4) mounted to a front enclosure (12, Fig 4) such that the said equipment rack is accessible through the opening between the upper edge of the frontal portion and the front panel.

8. In re claim 18, Breisch discloses a pivot mechanism (27, Fig 4) configured to permit pivotal rotation of said frontal portion (12, Fig 1) around a second horizontal axis parallel to said first horizontal axis so as to permit said first distance to be varied as a result of the pivotal rotation of said frontal portion with respect to said front panel

9. In re claim 20, Breisch discloses the pivot mechanism as a hinge (27, Fig 4).

10. In re claim 22, Breisch discloses the frontal portion in a closed position (12, Fig 4).

11. In re claim 23, Breisch discloses the frontal position in a closed position (12, Fig 4) and a second substantially horizontal frontal portion position (12, Fig 1).

12. In re claim 31, Breisch discloses the front enclosure pivotally connect to the back box with a hinge (27, Fig 1).

13. In re claim 33, Breisch discloses the hinge as comprising two detachable hinges (27, Fig 1).

14. In re claim 35, Breisch discloses an electronics equipment rack (37, Fig 1 and 38, Fig 4) mounted behind said front panel

15. In re claim 36, Breisch discloses an electronics equipment rack (37, Fig 1 and 38, Fig 4) mounted behind said front panel that is accessible through an opening between an upper edge of a frontal portion and front panel.

***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

17. Claims 2, 3, 4, 21, 24, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breisch (US 2,101,571) in view of Cullinan (US 5,281,018).

18. In re claim 2, Breisch discloses for a system control panel (53, 54, 52, and 45, Fig 1), but not a visual display screen. Cullinan teaches that an equipment housing may have a visual display screen (10, Fig 1) for interfacing with electronic equipment in the housing. It would have been obvious to one skilled in the art at the time of the invention was made to have modified the Breisch apparatus with a visual display screen as taught by Cullinan to interface with the electronic equipment.

19. In re claim 3, Cullinan discloses the visual display screen (10, Fig 1) mounted behind a front panel and an opening (40, Fig 1) sized and positioned to allow the viewing of the visual display mounted to said front panel behind said opening.

20. In re claim 4, Breisch discloses the system control panel (53, 54, 52, and 45, Fig 1) mounted to the front of said front panel.

21. In re claim 21, Breisch discloses the claimed invention except for at least one mechanical stop operative to permit said frontal portion to be movably engaged at at least one predetermined rotational position with respect to said front panel. Cullinan teaches that a mechanical stop operative (60, Fig 1) may be placed to help support the frontal portion in a certain position (col 6, lines 43-45). It would have been obvious to one skilled in the art at the time of the invention to add a mechanical stop operative to a frontal portion to support the frontal portion in a certain pivotal position.

22. In re claim 24, Breisch discloses for a system control panel (53, 54, 52, and 45, Fig 1) and Cullinan discloses a virtual display screen (10, Fig 1).

23. In re claim 25, Cullinan discloses the visual display screen (10, Fig 1) mounted behind a front panel and an opening (40, Fig 1) sized and positioned to allow the viewing of the visual display mounted to said front panel behind said opening.

24. In re claim 26, Breisch discloses the system control panel (53, 54, 52, and 45, Fig 1) mounted to the front of said front panel.

25. Claims 5, 6, 7, 8, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breisch (US 2,101,571) in view of Cullinan (US 5,281,018) as applied to claim 2 above, and further in view of Hill, III (US 5,646,819).

26. In re claim 5, Breisch in view of Cullinan discloses the claimed invention except for at least one of a touch screen, a pen-based input panel and a visual display screen. Hill teaches that a pen based input panel (37, Fig 2) may be used to create input where the visual display screen is part of a notepad type computer (col 2, lines 39-41). It would have been obvious to one skilled in the art at the time of the invention was made to have modified the Breisch/Cullinan apparatus with adding a pen-based input panel, as taught by Hill, to an equipment housing to allow input for a notepad type of computer in the housing.

27. In re claim 6, Cullinan discloses one piece of electronic equipment (16, Fig 3) having an equipment control panel (14, Fig 2), with said equipment control panel accessible through said opening between said upper edge of said frontal portion and said front panel, but lacks said at least one piece of electronic equipment being mounted to said front enclosure. Hill teaches that a front enclosure may have a pocket (32, Fig 1) for mounting a note type computer. It would have been obvious to one skilled in the art at the time of the invention was made to have modified the Breisch/Cullinan apparatus with the teaching of mounting a piece of electronic equipment to the front panel as taught by Hill for allowing screen input access to the electronic equipment.

28. In re claim 7, Hill discloses the electronic equipment as a personal computer (col 2, lines 43-47).

29. In re claim 8, Cullinan discloses the equipment control panel (14, Fig 1) as accessible through an opening between the upper edge of the frontal portion and the front panel.

30. In re claim 11, Breisch discloses the hinge as comprising two detachable hinges (27, Fig 1).

31. Claims 27, 28, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breisch (US 2,101,571) in view of Cullinan (US 5,281,018) as applied to claim 24 above, and further in view of Hill, III (US 5,646,819).

32. In re claim 27, Breisch in view of Cullinan discloses the claimed invention except for at least one of a touch screen, a pen-based input panel and a visual display screen. Hill teaches that a pen based input panel (37, Fig 2) may be used to create input where the visual display screen is part of a notepad type computer (col 2, lines 39-41). It would have been obvious to one skilled in the art at the time of the invention was made to have modified the Breisch/Cullinan apparatus with the teaching of adding a pen-based input panel to an equipment housing, as taught by Hill, to allow input for a notepad type of computer in the housing.

33. In re claim 28, Cullinan discloses one piece of electronic equipment (16, Fig 3) having an equipment control panel (14, Fig 2), with said equipment control panel accessible through said opening between said upper edge of said frontal portion and



said front panel, but lacks said at least one piece of electronic equipment being mounted to said front enclosure. Hill teaches that a front enclosure may have a pocket (32, Fig 1) for mounting a note type computer. It would have been obvious to one skilled in the art at the time of the invention was made to have modified the Breisch/Cullinan apparatus to mount a piece of electronic equipment to the front panel, as taught by Hill, for allowing input access to the electronic equipment.

34. In re claim 29, Hill discloses the electronic equipment as a personal computer (col 2, lines 43-47).

35. In re claim 30, Cullinan discloses the equipment control panel (14, Fig 1) as accessible through an opening between the upper edge of the frontal portion and the front panel.

36. Claims 10 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breisch (US 2,101,571) in view of Holland (US 2,872,178).

37. In re claim 10, Breisch discloses the claimed invention except a piano hinge. Holland teaches that a piano hinge may be used on an equipment housing be able to better redirect force on the hinge (col 2, lines 9-16). It would have been obvious to one skilled in the art at the time the invention was made to have modified the invention of Breisch with a piano hinge, as taught by Holland, in order to better redirect force on the hinge.

38. In re claim 32, Breisch discloses the claimed invention except a piano hinge. Holland teaches that a piano hinge may be used on an equipment housing be able to

better redirect force on the hinge (col 2, lines 9-16). It would have been obvious to one skilled in the art at the time the invention was made to have modified the invention of Breisch with a piano hinge, as taught by Holland, in order to better redirect force on the hinge.

39. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Breisch (US 2,101,571) in view of Cullinan (US 5,281,018) and Hill, III (US 5,646,819) as applied to claim 11 above, and in further view of Bauman (US 3,042,384).

40. In re claim 12, Breisch in view of Cullinan and Hill discloses the claimed invention except for a pintel hinge. Bauman teaches that a housing with hinged front parts may be hinged by pintel hinges (col 5, lines 19-23) and that these permit removability of the front parts without tools (col 5, lines 48, to 59). It would have been obvious to one skilled in the art at the time of the invention was made to have modified the Breisch/Cullinan/Hills equipment housing with pintel hinges, as taught by Bauman, in order to be able to remove the front enclosures without tools.

41. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Breisch (US 2,101,571) in view of Bauman (US 3,042,384).

42. In re claim 34, Breisch discloses the claimed invention except for a pintel hinge. Bauman teaches that a housing with hinged front parts may be hinged by pintel hinges (col 5, lines 19-23) and that these permit removability of the front parts without tools (col 5, lines 48, to 59). It would have been obvious to one skilled in the art at the time of the

invention was made to have modified the Breisch's equipment housing with pintel hinges as taught by Bauman in order to be able to remove the front enclosures without tools.

43. Claims 15, 16, 19, 37, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breisch (US 2,101,571).

44. In re claim 15, Breisch discloses the claimed invention except for the distance between said opposing side walls being less than or equal to 30.5 inches. It would have been obvious to one skilled in the art at the time of the invention to make the distance between said opposing side walls being less than or equal to 30.5 inches, since it has been held that, where the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed device and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device. *In Gardener v. TEC Systems, Inc.*, 725 F.2s 1338, 220 USPQ 777 (Fed. Cir. 1984).

45. In re claim 16, Breisch discloses the claimed invention except for the back box having a width and a depth wherein the ratio of the width to the depth is greater than 3.0. It would have been obvious to one skilled in the art at the time of the invention to make the back box have a width and a depth wherein the ratio of the width to the depth is greater than 3.0, since it has been held that, where the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed device and a device having the claimed relative dimensions would not perform differently than the

prior art device, the claimed device was not patentably distinct from the prior art device.

*In Gardener v. TEC Systems, Inc.*, 725 F.2s 1338, 220 USPQ 777 (Fed. Cir. 1984).

46. In re claim 19, Breisch discloses the claimed invention except for the pivot mechanism including a pair of pivot pins, rather in only discloses one pin of the hinge (27, Fig 4) for rotation of the frontal portion around the front panel. It would have been obvious to one skilled in the art at the time of the invention to add another pin with hinge to the frontal portion, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

47. In re claim 37, Breisch discloses the claimed invention except for the distance between said opposing side walls being less than or equal to 30.5 inches. It would have been obvious to one skilled in the art at the time of the invention to make the distance between said opposing side walls being less than or equal to 30.5 inches, since it has been held that, where the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed device and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device. *In Gardener v. TEC Systems, Inc.*, 725 F.2s 1338, 220 USPQ 777 (Fed. Cir. 1984).

48. In re claim 38, Breisch discloses the claimed invention except for the back box having a width and a depth wherein the ratio of the width to the depth is greater than 3.0. It would have been obvious to one skilled in the art at the time of the invention to make the back box have a width and a depth wherein the ratio of the width to the depth

is greater than 3.0, since it has been held that, where the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed device and a device having the claimed relative dimensions would not perform differently than the prior art device, the claimed device was not patentably distinct from the prior art device. *In Gardener v. TEC Systems, Inc.*, 725 F.2s 1338, 220 USPQ 777 (Fed. Cir. 1984).

49. Claims 17, 39, 40, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Breisch (US 2,101,571) in view of Hirschman et al (US 1,320,392).

50. In re claim 17, Breisch discloses the claimed invention except, back box has a peripheral front edge extending along said side walls, said top wall and said bottom wall, said peripheral front edge defining a front edge plane, and said back box including a lip extending outward along at least a portion of said peripheral front edge within said front edge plane. Hirschman teaches that an enclosure may have a peripheral front edge (See Fig 1 Hirschman enclosed) with a lip (See Fig 1 Hirschman enclosed) extending outward along the peripheral edge to let the enclosure be installed flush with a wall to economize space (col 1, lines 38-44). It would have been obvious to one skilled in the art at the time of the invention was made to have modified Breisch's apparatus with a peripheral front edge having a lip, as taught by Hirschman, in order to improve the space taken up by the enclosure.

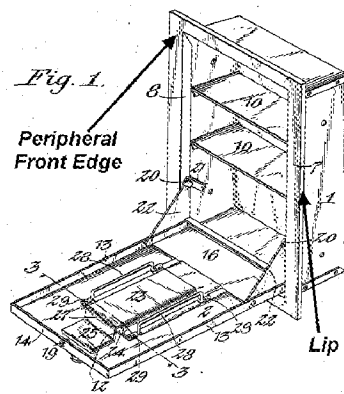


Fig 1 Hirschman enclosed

51. In re claim 39, Breisch discloses the claimed invention except, back box has a peripheral front edge extending along said side walls, said top wall and said bottom wall, said peripheral front edge defining a front edge plane, and said back box including a lip extending outward along at least a portion of said peripheral front edge within said front edge plane. Hirschman teaches that an enclosure may have a peripheral front edge (See Fig 1 Hirschman enclosed) with a lip (See Fig 1 Hirschman enclosed) extending outward along the peripheral edge to let the enclosure be installed flush with a wall to economize space (col 1, lines 38-44). It would have been obvious to one skilled in the art at the time of the invention was made to have modified Breisch's apparatus with a peripheral front edge having a lip, as taught by Hirschman, for economizing space taken up by the enclosure.

52. In re claim 40, Hirschman discloses

- a device that is used by framing a wall area to provide an opening within the framing of a predetermined height and width

- mounting a back box (1, Fig 1) of a predetermined height and width less than said opening height and width respectively, within the opening and framing (col 1, lines 38-48).

53. while Breisch discloses

- a first pair of detachable hinge portions (27, Fig 1) affixed to a back box (10, Fig 1)
- a pivotally coupled front enclosure (11, Fig 1) with a second pair of detachable hinge portions (27, Fig 1), where the second pair of hinge portions is affixed to the first hinge portions to permit pivotal rotation of said front enclosure with respect to the back box.

54. Note that under the principles of inherency, if a prior art device, in its normal and usual operation, would necessarily perform the method claimed, then the method claimed will be considered to be anticipated by the prior art device. *In re King*, 801 F.2d 1324, 231 USPQ 136 (Fed. Cir. 1986).

55. In re claim 41, Breisch discloses a piece of electronics equipment (82, Fig 1) on the front enclosure (11, Fig 1). Note that regarding the claim language of the electronic equipment being mounted before pivotally coupling the front enclosure to the back box, it has been held that selection of any order of performing process steps is a *prima facie* obvious in the absence of new or unexpected results. *In re Gibson*, 39 F.2d 975, 5 USPQ 230 (CCPA 1930)

### ***Conclusion***

56. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Odemer (US 4,881,295) discloses an equipment control panel and electronic equipment for back box that fits into a recess. Suffi (US 5,001,602) discloses an equipment enclosure for components on a pivotal front panel back box lips. Gallarelli et al (US 5,595,316) and Haag et al (US 7,049,516 B1) disclose a back box with a peripheral front edge with a lip. Bridson (US 6,359,270 B1) discloses a back box and front panel with a touch screen. Cox (US 4,718,740) discloses a frontal portion with an equipment control panel. Welch (US 1,275,511), Manshel (US 2,136,558), Evans (US 2,794,434), and Steiner (US 3,218,111) disclose a back box with a pivotally attached front panel with a pivotally attached frontal portion. Linstromberg (4,087,140) discloses a front panel and frontal portion with a rack. Munch et al (US 5,082,336), Laskey (US 264,172), Watts (US 809,592), Kelonge (US 937,215), Eustis (US 1,441,410), Roedding (US 1,556,353), and Holland (US 2,872,178) disclose a front panel and a back box with lips for fitting into a recess.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to QUINN HUNTER whose telephone number is (571)270-3910. The examiner can normally be reached on Mon.-Fri., 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Nguyen can be reached on 571-272-4491. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 4147

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Quinn Hunter  
Examiner  
Art Unit 4147

/George Nguyen/

Supervisory Patent Examiner, Art Unit 4147,

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